ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-716

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend Title 16 of the District of Columbia Official Code to enact the Uniform Child Abduction Prevention Act of 2008, to provide the Superior Court of the District of Columbia with guidelines to follow during custody disputes and divorce proceedings, to help the Court identify families at risk for abduction, and to provide methods to prevent the abduction of children.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Child Abduction Prevention Act of 2008".

Sec. 2. Chapter 46 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "16-4603.15. Corporation Counsel." and insert the phrase "16-4603.15. Attorney General for the District of Columbia." in its place.

(2) The references to subchapter IV are amended to read as follows:

"Subchapter IV. Child Abduction Prevention.

"16-4604.01. Short title.
"16-4604.02. Definitions
"16-4604.03. Cooperation and communication among courts.
"16-4604.04. Actions for abduction prevention measures.
"16-4604.05. Jurisdiction.
"16-4604.06. Contents of petition.
"16-4604.07. Factors to determine risk of abduction.
"16-4604.08. Provisions and measures to prevent abduction.
"16-4604.09. Warrant to take physical custody of child.
"16-4604.10. Duration of abduction prevention order.".

(3) A new subchapter V is added to read as follows:

"Subchapter V. Miscellaneous Provisions.

"16-4605.01. Uniformity of application and construction.

"16-4605.02. Relation to Electronic Signatures in Global and National Commerce Act.
"16-4605.03. Transitional provision.".

(b) Subchapter III is amended as follows:

(1) Section 16-4603.15 is amended as follows:

(A) The section heading is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(B) Subsection (a) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(C) Subsection (b) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Section 16-4603.16 is amended by striking the phrase "Corporation Counsel" both times it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(3) Section 16-4603.17 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(c) Redesignate subchapter IV as subchapter V.

(d) A new subchapter IV is added to read as follows:

"Subchapter IV. Child Abduction Prevention.

"§ 16-4604.01. Short title.

"This subchapter may be cited as the "Uniform Child Abduction Prevention Act".

"§ 16-4604.02. Definitions.

"For the purposes of this subchapter, the term:

"(1) "Abduction" means the wrongful removal or wrongful retention of a child.

"(2) "Child" means an unemancipated individual who is less than 18 years of age.

"(3) "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protection from domestic violence.

"(4) "Petition" includes a motion or its equivalent.

"(5) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"(6) "Travel document" means records relating to a travel itinerary, including travel tickets, passes, reservations for transportation, or accommodations. The term "travel document" does not include a passport or visa.

"(7) "Wrongful removal" means the taking of a child that breaches rights of custody or visitation given or recognized under the law of this state.

"(8) "Wrongful retention" means the keeping or concealing of a child that breaches rights of custody or visitation given or recognized under the law of this state.

"§ 16-4604.03. Cooperation and communication among courts.

"Sections 16-4601.10, 16-4601.11, and 16-4601.12 apply to cooperation and communications among courts in proceedings under this subchapter.

"§ 16-4604.04. Actions for abduction prevention measures.

"(a) A court on its own motion may order abduction prevention measures in a child-custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.

"(b) A party to a child-custody determination or another individual or entity having a right under the law of this state or any other state to seek a child-custody determination for the child may file a petition seeking abduction prevention measures to protect the child under this subchapter.

"(c) The Attorney General for the District of Columbia may seek a warrant to take physical custody of a child under § 16-4604.09 or other appropriate prevention measures.

"§ 16-4604.05. Jurisdiction.

"(a) A petition under this subchapter may be filed only in a court that has jurisdiction to make a child-custody determination with respect to the child at issue under §§ 16-4601.01 to 16-4604.02.

"(b) A court of this state has temporary emergency jurisdiction under § 16-4602.04 if the court finds a credible risk of abduction.

"§ 16-4604.06. Contents of petition.

"A petition under this subchapter shall be verified and include a copy of any existing child-custody determination, if available. The petition shall specify the risk factors for abduction, including the relevant factors described in § 16-4604.07. Subject to § 16-4602.09(e), if reasonably ascertainable, the petition shall contain:

"(1) The name, date of birth, and gender of the child;

"(2) The customary address and current physical location of the child;

"(3) The identity, customary address, and current physical location of the respondent;

"(4) A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location, and disposition of the action;

"(5) A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and

"(6) Any other information required to be submitted to the court for a child-custody determination under § 16-4602.09.

"§ 16-4604.07. Factors to determine risk of abduction.

"(a) In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

"(1) Has previously abducted or attempted to abduct the child;

"(2) Has threatened to abduct the child;

"(3) Has recently engaged in activities that may indicate a planned abduction, including:

"(A) Abandoning employment;

"(B) Selling a primary residence;

"(C) Terminating a lease;

"(D) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

"(E) Applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child; or

"(F) Seeking to obtain the child's birth certificate or school or medical records;

"(4) Has engaged in domestic violence, stalking, or child abuse or neglect;

"(5) Has refused to follow a child-custody determination;

"(6) Lacks strong familial, financial, emotional, or cultural ties to the state or the United States;

"(7) Has strong familial, financial, emotional, or cultural ties to another state or country;

"(8) Is likely to take the child to a country that:

"(A) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

"(B) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

"(i) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

"(ii) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

"(iii) Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;

"(C) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

"(D) Has laws or practices that would:

"(i) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

"(ii) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, or religion; or

"(iii) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality, or religion;

"(E) Is included by the United States Department of State on a current list of state sponsors of terrorism;

"(F) Does not have an official United States diplomatic presence in the country; or

"(G) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

"(9) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

"(10) Has had an application for United States citizenship denied;

"(11) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a Social Security card, a driver's license, or other government-issued identification card, or has made a misrepresentation to the United States government;

"(12) Has used multiple names to attempt to mislead or defraud; or

"(13) Has engaged in any other conduct the court considers relevant to the risk of abduction.

"(b) In the hearing on a petition under this subchapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

"§ 16-4604.08. Provisions and measures to prevent abduction.

"(a) If a petition is filed under this subchapter, the court may enter an order that shall include:

"(1) The basis for the court's exercise of jurisdiction;

"(2) The manner in which notice and opportunity to be heard were given to the persons entitled to notice of the proceeding;

"(3) A detailed description of each party's custody and visitation rights and residential arrangements for the child;

"(4) A provision stating that a violation of the order may subject the party in violation to civil and criminal penalties; and

"(5) Identification of the child's country of habitual residence at the time of the issuance of the order.

"(b) If, at a hearing on a petition under this subchapter or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child by a preponderance of the evidence, the court shall enter an abduction prevention order. The order shall include the provisions required by subsection (a) of this section and measures and conditions, including those in subsections (c), (d), and (e) of this section, that are reasonably

calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider:

"(1) The age of the child;

"(2) The potential harm to the child from an abduction;

"(3) The legal and practical difficulties of returning the child to the jurisdiction if abducted; and

"(4) The reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

"(c) An abduction prevention order may include one or more of the following:

"(1) An imposition of travel restrictions that require that a party traveling with the child outside a designated geographical area provide the other party with the following:

"(A) The travel itinerary of the child;

"(B) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and

"(C) Copies of all travel documents;

"(2) A prohibition of the respondent directly or indirectly:

"(A) Removing the child from this state, the United States, or another geographic area without permission of the court or the petitioner's written consent;

"(B) Removing or retaining the child in violation of a child-custody determination;

"(C) Removing the child from school or a child-care or similar facility; or

"(D) Approaching the child at any location other than a site designated for supervised visitation;

"(3) A requirement that a party register the order in another state as a prerequisite to allowing the child to travel to that state;

"(4) With regard to the child's passport:

"(A) A direction that the petitioner place the child's name in the United States Department of State's Child Passport Issuance Alert Program;

"(B) A requirement that the respondent surrender to the court or the petitioner's attorney any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child; and

"(C) A prohibition upon the respondent from applying on behalf of the child for a new or replacement passport or visa;

"(5) As a prerequisite to exercising custody or visitation, a requirement that the respondent provide:

"(A) To the United States Department of State Office of Children's Issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;

"(B) To the court:

"(i) Proof that the respondent has provided the information in subparagraph (A) of this paragraph; and

"(ii) An acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child;

"(C) To the petitioner, proof of registration with the United States Embassy or other United States diplomatic presence in the destination country and with the Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in effect between the United States and the destination country, unless one of the parties objects; and

"(D) A written waiver under 5 U.S.C. § 552a with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

"(6) Upon the petitioner's request, a requirement that the respondent obtain an order from the relevant foreign country containing terms identical to the child-custody determination issued in the United States.

"(d) In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation that:

"(1) Limit visitation or require that visitation with the child by the respondent be supervised until the court finds that supervision is no longer necessary and order the respondent to pay the costs of supervision;

"(2) Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys fees and costs if there is an abduction; and

"(3) Require the respondent to obtain education on the potentially harmful effects to the child from abduction.

"(e) To prevent imminent abduction of a child, a court may:

"(1) Issue a warrant to take physical custody of the child under § 16-4604.09 or the law of this state other than this subchapter;

"(2) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination under this subchapter or the law of this state other than this subchapter; or

"(3) Grant any other relief allowed under the law of this state other than this subchapter.

"(f) The remedies provided in this subchapter are cumulative and do not affect the availability of other remedies to prevent abduction.

"§ 16-4604.09. Warrant to take physical custody of child.

"(a) If a petition under this subchapter contains allegations, and the court finds that there is a credible risk that the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.

"(b) The respondent on a petition under subsection (a) of this section shall be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

"(c) An ex parte warrant under subsection (a) of this section to take physical custody of a child shall:

"(1) Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;

"(2) Direct law enforcement officers to take physical custody of the child immediately;

"(3) State the date and time for the hearing on the petition; and

"(4) Provide for the safe interim placement of the child pending further order of the court.

"(d) If feasible, before issuing a warrant and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center system and similar state databases to determine if either the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

"(e) The petition and warrant shall be served on the respondent when or immediately after the child is taken into physical custody.

"(f) A warrant to take physical custody of a child, issued by this state or another state, is enforceable throughout this state. If the court finds that a less intrusive remedy will not be effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.

"(g) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under subsection (a) of this section for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs, and expenses.

"(h) This subchapter does not affect the availability of relief allowed under the law of this state other than this subchapter.

"§ 16-4604.10. Duration of abduction prevention order.

"An abduction prevention order remains in effect until the earliest of:

"(1) The time stated in the order;

"(2) The emancipation of the child;

"(3) The child's attaining 18 years of age; or

"(4) The time the order is modified, revoked, vacated, or superseded by a court with jurisdiction under §§ 16-4602.01 to 16-4602.03.".

(e) The newly designated subchapter V is amended to read as follows:

"Subchapter V. Miscellaneous Provisions.

"§ 16-4605.01. Uniformity of application and construction.

"In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

"§ 16-4605.02. Relation to Electronic Signatures in Global and National Commerce Act.

"This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C.§ 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).

"§ 16-4605.03. Transitional provision.

"A motion or other request for relief made in a child-custody proceeding or to enforce a child-custody determination which was commenced before April 27, 2001 is governed by the law in effect at the time the motion or other request was made.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 29, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-717

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

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To amend, on a temporary basis, the District of Columbia Housing Authority Act of 1999 to expand the D.C. Housing Authority Rent Supplement Program to allow service providers who own, lease, or operate supportive housing to apply for and be awarded sponsor-based assistance funding to house clients, to require the District of Columbia Housing Authority to promulgate rules to govern eligibility, admission, and determination of the amount of rental assistance payments for units receiving sponsor-based assistance, to further limit assistance to households residing in the District for at least 6 months, and to require a 30-day Council review period of any rules promulgated pursuant to this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Second Temporary Amendment Act of 2009".

Sec. 2. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2(43A) (D.C. Official Code § 6-201(43A)) is amended by striking the phrase "units owned and operated" and inserting the phrase "units owned, leased, or operated" in its place.

Note, § 6-201

(b) Section 26b(c) (D.C. Official Code § 6-227(c)) is amended to read as follows:

Note, § 6-227

"(c)(1) The Authority shall apply its existing Partnership Program rules to govern the awarding of Partnership Program grants for project-based voucher assistance and the continuing eligibility for those grants under this section, except where the rules are inconsistent with this act.

"(2)(A) For project-based assistance and sponsor-based assistance, except for rules promulgated by the Authority regarding eligibility, admission, and determination of the amount of rental assistance payments pursuant to subparagraph (B) of this paragraph, the Authority shall also apply its existing Partnership Program and Housing Choice Voucher Program rules to govern eligibility, admission, and continuing occupancy by tenants in units receiving assistance under this section, section 26a, and section 26c, except if the rules are inconsistent with this section, section 26a, or section 26c.

"(B) For sponsor-based assistance, the Authority shall promulgate rules to govern eligibility, admission, and determination of the amount of rental assistance payments

ENROLLED ORIGINAL

for units receiving sponsor-based assistance under this section, which eligibility and admission rules will set forth requirements regarding criminal background, citizenship, and residency of tenants.

"(3) The Authority shall promulgate rules as are necessary to ensure that eligibility for tenancy is limited to households with gross income at or below 30% of the area median income in units supported by grants under this section, section 26a, and 26c and to households that have resided in the District for the previous 6 months in units supported by grants under this section.

"(4) Any rules proposed pursuant to this subsection shall be submitted to the Council for a 30-day period of review. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-718

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

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To require, on a temporary basis, the Department of Housing and Community Development to use all existing Housing Purchase Assistance Program funds available, after enactment of the Fiscal Year 2009 Balanced Budget Support Emergency Act of 2008, to immediately reopen the Housing Purchase Assistance Program and prioritize the processing and servicing of specified categories of participants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "HPAP Temporary Act of 2009" .

Sec. 2. (a) The Department of Housing and Community Development shall utilize $7,569,405 in Community Development Block Grant funds, $6 million in HOME funds, $1,729,405 in Home Purchase Assistance Repay funds, and $8 million in local funds for the Housing Purchase Assistance Program ("HPAP") to immediately reopen HPAP and continue to process and disperse funds pursuant to HPAP guidelines to qualified HPAP participants who, as of December 16, 2008, have received notices of eligibility from the Greater Washington Urban League, or who, by November 17, 2008, have filed an application with the Greater Washington Urban League and have evidence of a signed purchase contract between buyer and seller.

(b) After the HPAP participants referenced in subsection (a) of this section are serviced, as funds allow, any remaining funds shall be used to process and disperse funds to qualified HPAP participants issued new notices of eligibility after December 16, 2008, until all funds are expended; provided, that individual loan awards for these participants may not exceed $40,000.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

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To amend, on a temporary basis, Chapter 18 of Title 47 of the District of Columbia Official Code to provide a tax credit, subject to certain limitations, equal to 10% of the wages paid by an employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Employment of Returning Veteran's Tax Credit Temporary Act of 2009".

Sec. 2. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 18 is amended as follows:

(1) Add the phrase "47-1806.12. Tax credit for hiring qualified veterans." after the phrase "47-1806.11. Tax on residents and nonresidents - Credits - energy conservation credit. Repealed.".

(2) Add the phrase "47-1807.09. Tax credit for hiring qualified veterans." after the phrase "47-1807.08. Tax credit for unincorporated businesses that provide an employee paid leave to serve as an organ or bone marrow donor.".

(3) Add the phrase "47-1808.09. Tax credit for hiring qualified veterans." after the phrase "47-1808.08. Tax credit for corporations that provide an employee paid leave to serve as an organ or bone marrow donor.".

(b) A new section 47-1806.12 is added to read as follows:

"§ 47-1806.12. Tax credit for hiring qualified veterans.

"(a) For the purposes of this section, the term:

"(1) "Armed Forces" shall include any branch of the United States Military, including the Army, Navy, Marines, Air Force, Coast Guard, or any National Guard or reserve deployment lasting 6 continuous months or longer.

"(2) "Qualified veteran" means an individual subject to the District's personal

income tax who:

"(A) Has previously served in a branch of the Armed Forces and who was honorably or generally discharged;

"(B) Is not currently employed in a facility owned or operated by the District business with an exemption under § 47-4605;

"(C) Is hired to fill a position of indefinite duration consisting of a minimum of 35 hours per week for not less than 48 weeks per year;

"(D) Is hired within 5 years after being discharged from the Armed Forces or within 2 years of a continuous 6-month National Guard deployment;

"(E) Is a District resident at the time of hiring and maintains District residency for the duration of the 2-year tax credit period; and

"(F) Is not currently employed in a facility owned or operated by the District business seeking the tax credit under this section.

"(b) For taxable years beginning on or after January 1, 2009, an employer shall be allowed a credit against the tax imposed by § 47-1806.03 in an amount equal to 10% of the wages paid by the employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran. The credit under this section shall not exceed $5,000 in the aggregate for each qualified veteran who is employed.

"(c) The maximum annual credit allowed under this section shall not exceed the lesser of:

"(1) Ten percent of the wages paid to a qualified veteran during the tax year in which the credit is claimed;

"(2) The total income taxes imposed on the business during the tax year in which the credit is sought; or

"(3) A total of $2,500 for each qualified veteran.

"(d) The credit under subsection (b) of this section shall not be valid:

"(1) For any wages paid in a calendar month in which the employer has not employed the qualified veteran for at least 90 hours;

"(2) If the employer pays the qualified veteran less than the greater of the legal minimum wage or the wage the employer pays other employees in similar jobs;

"(3) If the employer accords the qualified veteran lesser benefits or rights than the employer accords other employees in similar jobs;

"(4) If the qualified veteran was employed as the result of the displacement, other than for cause, of another employee, or as the result of a strike or lockout, a layoff in which other employees are awaiting recall, or a reduction of the regular wages, benefits, or rights of other employees in similar jobs;

"(5) If the employer does not meet, with respect to the employment of the qualified veteran, all federal and District laws and regulations, including those concerning health, safety, child labor, work/hour, and equal employment opportunity;

"(6) If the qualified veteran is a member of the board of directors of the business, directly or indirectly owns a majority of its stock, or is related to a member of the board of directors or a majority stockholder as a spouse or as any relative listed in the definition of dependent in section 152 of the Internal Revenue Code of 1986 without regard to source of income; or

"(7) If the qualified veteran moves his or her residence outside the District of Columbia during the 24-month period.".

(c) A new section 47-1807.09 is added to read as follows:

"§ 47-1807.09. Tax credit for hiring qualified veterans.

"(a) For the purposes of this section, the term:

"(1) "Armed Forces" shall include any branch of the United States Military, including the Army, Navy, Marines, Air Force, Coast Guard, or any National Guard or reserve deployment lasting 6 continuous months or longer.

"(2) "Qualified veteran" means an individual subject to the District's personal income tax who:

"(A) Has previously served in a branch of the Armed Forces and who was honorably or generally discharged;

"(B) Is not currently employed in a facility owned or operated by the District business with an exemption under § 47-4605;

"(C) Is hired to fill a position of indefinite duration consisting of a minimum of 35 hours per week for not less than 48 weeks per year;

"(D) Is hired within 5 years after being discharged from the Armed Forces or within 2 years of a continuous 6-month National Guard deployment;

"(E) Is a District resident at the time of hiring and maintains District residency for the duration of the 2-year tax credit period; and

"(F) Is not currently employed in a facility owned or operated by the District business seeking the tax credit under this section.

"(b) For taxable years beginning on or after January 1, 2009, an employer shall be allowed a credit against the tax imposed by § 47-1807.02 in an amount equal to 10% of the wages paid by the employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran. The credit under this section shall not exceed $5,000 in the aggregate for each qualified veteran who is employed.

"(c) The maximum annual credit allowed under this section shall not exceed the lesser of:

"(1) Ten percent of the wages paid to a qualified veteran during the tax year in which the credit is claimed;

"(2) The total income taxes imposed on the business during the tax year in which the credit is sought; or

"(3) A total of $2,500 for each eligible veteran.

"(d) The credit under subsection (b) of this section shall not be valid:

"(1) For any wages paid in a calendar month in which the employer has not employed the qualified veteran for at least 90 hours;

"(2) If the employer pays the qualified veteran less than the greater of the legal minimum wage or the wage the employer pays other employees in similar jobs;

"(3) If the employer accords the qualified veteran lesser benefits or rights than the enployer accords other employees in similar jobs;

"(4) If the qualified veteran was employed as the result of the displacement, other than for cause, of another employee, or as the result of a strike or lockout, a layoff in which other employees are awaiting recall, or a reduction of the regular wages, benefits, or rights of other employees in similar jobs;

"(5) If the employer does not meet, with respect to the employment of the qualified veteran, all federal and District laws and regulations, including those concerning health, safety, child labor, work/hour, and equal employment opportunity;

"(6) If the qualified veteran is a member of the board of directors of the business, directly or indirectly owns a majority of its stock, or is related to a member of the board of directors or a majority stockholder as a spouse or as any relative listed in the definition of dependent in section 152 of the Internal Revenue Code of 1986 without regard to source of income; or

"(7) If the qualified veteran moves his or her residence outside the District of Columbia during the 24-month period.".

(d) A new section 47-1808.09 is added to read as follows:

"§ 47-1808.09. Tax credit for hiring qualified veterans.

"(a) For the purposes of this section, the term:

"(1) "Armed Forces" shall include any branch of the United States Military, including the Army, Navy, Marines, Air Force, Coast Guard, or any National Guard or reserve deployment lasting 6 continuous months or longer.

"(2) "Qualified veteran" means an individual subject to the District's personal income tax who:

"(A) Has previously served in a branch of the Armed Forces and who was honorably or generally discharged;

"(B) Is not currently employed in a facility owned or operated by the District business with an exemption under § 47-4605;

"(C) Is hired to fill a position of indefinite duration consisting of a minimum of 35 hours per week for not less than 48 weeks per year;

"(D) Is hired within 5 years after being discharged from the Armed Forces or within 2 years of a continuous 6-month National Guard deployment;

"(E) Is a District resident at the time of hiring and maintains District residency for the duration of the 2-year tax credit period; and

"(F) Is not currently employed in a facility owned or operated by the District business seeking the tax credit under this section.

"(b) For taxable years beginning on or after January 1, 2009, an employer shall be allowed a credit against the tax imposed by § 47-1808.03 in an amount equal to 10% of the wages paid by the employer to a qualified veteran during the first 24 calendar months in which the employer employs the qualified veteran. The credit under this section shall not exceed $5,000 in the aggregate for each qualified veteran who is employed.

"(c) The maximum annual credit allowed under this section shall not exceed the lesser of:

"(1) Ten percent of the wages paid to a qualified veteran during the tax year in which the credit is claimed;

"(2) The total income taxes imposed on the business during the tax year in which the credit is sought; or

"(3) A total of $2,500 for each eligible veteran.

"(d) The credit under subsection (b) of this section shall not be valid:

"(1) For any wages paid in a calendar month in which the employer has not employed the qualified veteran for at least 90 hours;

"(2) If the employer pays the qualified veteran less than the greater of the legal minimum wage or the wage the employer pays other employees in similar jobs;

"(3) If the employer accords the qualified veteran lesser benefits or rights than the employer accords other employees in similar jobs;

"(4) If the qualified veteran was employed as the result of the displacement, other than for cause, of another employee, or as the result of a strike or lockout, a layoff in which other employees are awaiting recall, or a reduction of the regular wages, benefits, or rights of other employees in similar jobs;

"(5) If the employer does not meet, with respect to the employment of the qualified veteran, all federal and District laws and regulations, including those concerning health, safety, child labor, work/hour, and equal employment opportunity;

"(6) If the qualified veteran is a member of the board of directors of the business, directly or indirectly owns a majority of its stock, or is related to a member of the board of directors or a majority stockholder as a spouse or as any relative listed in the definition of dependent in section 152 of the Internal Revenue Code of 1986 without regard to source of income; or

"(7) If the qualified veteran moves his or her residence outside the District of Columbia during the 24 month period.".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 16, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-720

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend, on a temporary basis, An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes to provide for a holdover period for members of the Public Service Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Service Commission Holdover Temporary Amendment Act of 2009".

Sec. 2. Paragraph 97(a) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 995; D.C. Official Code § 34-801), is amended by striking the phrase "were appointed; but" and inserting the phrase "were appointed; provided, that if no successor has been appointed prior to the expiration of a term of one of the members, the member shall hold over until his or her successor is appointed, but not to exceed 90 days after the holdover period provided in section 2(c) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(c)); provided further, that" in its place.

Note, § 34-801

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c))(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c))(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Vincent C Orange

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-721

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

To require, on a temporary basis, the Mayor to submit to the Council for approval any proposal to contract out or privatize services that is subject to section 451 of the District of Columbia Home Rule Act, or that would result in the abolition of the whole or part of an agency wherein the agency, or part of the agency, does not have or will not have any functions, and to require the Mayor to include additional requirements with the submission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Employee Protection Temporary Act of 2009" .

Sec. 2. (a) In addition to the requirements imposed by the Privatization Procurement and Contract Procedures Amendment Act of 1993, effective March 19, 1994 (D.C. Law 10-79; D.C. Official Code § 2-301.05b), for any proposal to contract out or privatize services that is subject to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), or that would result in the abolition of the whole or part of an agency wherein the agency, or part of the agency, does not have or will not have any functions, the Mayor shall submit to the Council a report that includes the following:

(1) Report of residency for all employees proposed to be separated as a result of the action;

(2) Cost-benefit analysis; and

(3) Job retraining and placement service offered to employees who are proposed to be separated.

(b) The applicable period of review shall be determined by sections 422(12) and 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790 and 803; D.C. Official Code §§ 1-204.22(12) and 1-204.51).

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-722

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To require that owners of pre-1978 properties maintain dwelling units, common areas of multifamily properties, and child-occupied facilities free of lead-based paint hazards, to authorize the Mayor to require lead abatement or the use of interim controls, relocation, and clearance in response to a child's elevated blood lead level, to authorize the Mayor to conduct a risk assessment or clearance examination or inspection of a dwelling unit or child-occupied facility built before March 1, 1978, based upon reasonable belief of the risk of a lead-based paint hazard, to authorize the Mayor to require repairs and a clearance report in response to a finding of lead-based paint hazards, to require disclosure of known lead-based paint hazards to prospective rental tenants, to require owners to provide a clearance report before turnover of rental properties constructed before March 1, 1978, and to authorize inspections, enforcement, and civil and criminal penalties for violations of this act; and to repeal all but section 8 of the Lead-Based Paint Abatement and Control Act of 1996.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lead-Hazard Prevention and Elimination Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Abatement" means any measure or set of measures that eliminate lead-based paint hazards by either the removal of paint and dust, the enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or covering of soil, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

(2) "Accredited training provider" means a training provider that has been approved by the Mayor to provide training for individuals who conduct lead-based paint activities.

(3) "Business entity" means a partnership, firm, company, association, corporation, sole proprietorship, government, quasi-government entity, nonprofit organization, or other business concern.

(4) "Child-occupied facility" means a building, or portion of a building,

constructed prior to March 1, 1978, which as part of its function receives children under the age of 6 on a regular basis, and is required to obtain a certificate of occupancy as a precondition to performing that function. The term "child-occupied facility" may include a preschool, and kindergarten classroom, and child development facility licensed under the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*). The location of a child-occupied facility as part of a larger structure does not make the entire structure a child-occupied facility. Only the portion of the facility occupied or regularly visited by children under age 6 shall be considered the child-occupied facility.

(5) "Clearance examination" is an evaluation of a property to determine whether the property is free of any deteriorated lead-based paint and underlying condition, or any lead-based paint hazard, underlying condition, lead-contaminated dust, and lead-contaminated soil hazards, that is conducted by a certified risk assessor, a lead-based paint inspector, or in accordance with limitations specified by statute or by rule, a dust sampling technician.

(6) "Clearance report" means a report issued by a risk assessor, a lead-based paint inspector, or a dust sampling technician that finds that the area tested has passed a clearance examination, and that specifies the steps taken to ensure the absence of lead-based paint hazards, including confirmation that any encapsulation performed as part of a lead hazard abatement strategy was performed in accordance with the manufacturer's specifications.

(7) "Containment" means a system, process, or barrier used to contain lead-based paint hazards inside a work area.

(8) "Day" means a calendar day.

(9) "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling, chalking, not intact, or otherwise separating from the substrate of a building component, except that pinholes and hairline fractures attributable to the settling of a building shall not be considered deteriorated paint.

(10) "Dust sampling technician" means an individual who:

(A) Has successfully completed an accredited training program;

(B) Has been certified to perform a visual inspection of a property to confirm that no deteriorated paint is visible at the property, and to sample for the presence of lead in dust for the purposes of certain clearance testing and lead dust hazard identification; and

(C) Provides a report explaining the results of the visual inspection and dust sampling.

(11) "Dwelling unit" means a room or group of rooms that form a single independent habitable unit for permanent occupation by one or more individuals, that has living facilities with permanent provisions for living, sleeping, eating, and sanitation. The term "dwelling unit" does not include:

(A) A unit within a hotel, motel, or seasonal or transient facility, unless such unit is or will be occupied by a person at risk for a period exceeding 30 days;

(B) An area within the dwelling unit that is secured and accessible only

to authorized personnel;

(C) Housing for the elderly, or a dwelling unit designated exclusively for persons with disabilities, unless a person at risk resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis; or

(D) An unoccupied dwelling unit that is to be demolished; provided, that the dwelling unit will remain unoccupied until demolition.

(12) "EBL child" means a child with an elevated blood lead level.

(13) "Elevated blood lead level" means the concentration of lead in a sample of whole blood equal to or greater than 10 micrograms of lead per deciliter (μg/dL) of blood , or such more stringent standard as may be established by the U.S. Centers for Disease Control and Prevention as the appropriate level of concern, and adopted by the Mayor by rule.

(14) "Encapsulation" means the application of a covering or coating that acts as a barrier between the lead-based paint and the environment, and that relies for its durability on adhesion between the encapsulant and the painted surface and on the integrity of the existing bonds between paint layers and between the paint and the substrate.

(15) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate to act as a barrier between lead-based paint and the environment.

(16) "EPA" means the federal Environmental Protection Agency.

(17) "Exterior surfaces" means:

(A) All surfaces that are attached to the outside of a property;

(B) All structures that are appurtenances to a property;

(C) Fences that are a part of the property; and

(D) For a property within a multi-unit dwelling, all painted surfaces in stairways, hallways, entrance areas, recreation areas, laundry areas, and garages that are common to individual dwelling units or located on the property.

(18) "HUD" means the federal Department of Housing and Urban Development.

(19) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(20) "Lead-based paint" means any paint or other surface coating containing lead or lead in its compounds in any quantity exceeding 0.5% of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm^2), or such more stringent standards as may be specified in federal law or regulations promulgated by EPA or HUD, and adopted by the Mayor by rule.

(21) "Lead-based paint activities" means the identification, risk assessment, inspection, abatement, use of interim controls, or elimination of lead-based paint, lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and all planning, project

designing, and supervision associated with any of the these activities.

(22) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint or presumed lead-based paint, or lead-based paint or presumed lead-based paint that is disturbed without containment.

(23) "Lead-based paint inspector" or "inspector" means an individual who has been trained by an accredited training provider and certified to conduct lead inspections. For the purpose of clearance testing, a certified lead-based paint inspector also samples for the presence of lead in dust and in bare soil.

(24) "Lead-contaminated dust" means surface dust that contains a mass per area concentration of lead equal to or exceeding 40 micrograms per square foot ("μg/ft²") on floors or 250 μg/ft² on interior windowsills based on wipe sample, or, for the purpose of clearance examination, 400 μg/ft² on window troughs based on wipe sample, or such more stringent standards as may be specified in federal law or regulations promulgated by EPA or HUD, and adopted by the Mayor by rule.

(25) "Lead-contaminated soil" means bare soil on real property that contains lead in excess of 400 ppm, or such other more stringent level specified in federal law or regulations promulgated by EPA or HUD, and adopted by the Mayor by rule.

(26) "Lead-disclosure form" means the form developed by the Mayor for a property owner to disclose an owner's knowledge of any lead-based paint or of any lead hazards, and information about any pending actions ordered by the Mayor pursuant to this law, to prospective rental tenants.

(27) "Lead-free property" means a property that contains no lead-contaminated soil, and the interior and exterior surfaces do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm²).

(28) "Lead-free unit" means a unit for which the interior and exterior surfaces appurtenant to the unit do not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm²), and for which the approaches thereto remain lead-safe. The Mayor, by rule, may establish a method to ensure that approaches to lead-free units remain lead-safe.

(29) "Lead-safe work practices" means a prescribed set of activities that, taken together, ensure that any work that disturbs a painted surface on a structure constructed prior to March 1, 1978, generates a minimum of dust and debris, that any dust or debris generated is contained within the immediate work area, that access to the work area by non-workers is effectively limited, that the work area is thoroughly cleaned so as to remove all lead-contaminated dust and debris, and that all such dust and debris is disposed of in an appropriate manner, all in accordance with the methods and standards established by the Mayor by rule consistent with applicable federal requirements, as they may be amended.

(30) "Owner" means a person, firm, partnership, corporation, guardian,

conservator, receiver, trustee, executor, legal representative, registered agent, or the federal government, who alone or jointly and severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to any property, with or without actual possession.

(31) "Person at risk" means a child under age 6 or a pregnant woman.

(32) "Presumed lead-based paint" means paint or other surface coating affixed to a component in or on a dwelling unit or child-occupied facility, constructed prior to March 1, 1978.

(33) "Relocation expenses" means reasonable expenses directly related to relocation to temporary replacement housing that complies with the requirements of this act, including:

(A) Moving and hauling expenses;

(B) Payment of a security deposit;

(C) The cost of replacement housing; provided, that the tenant continues to pay the rent on the dwelling unit from which the tenant has been relocated; and

(D) Installation and connection of utilities and appliances.

(34) "Renovation" means the modification of any existing structure or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term "renovation" includes the removal, modification, or repair of painted surfaces or painted components, the removal of building components, weatherization projects, and interim controls that disturb painted surfaces.

(35) "Renovator" means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or by the District.

(36) "Risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of conditions conducive to lead poisoning, including:

(A) The gathering of information regarding the age and history of the housing and occupancy by persons at risk;

(B) A visual inspection of the property;

(C) Dust wipe sampling, soil sampling, and paint testing, as appropriate;

(D) Other activity as may be appropriate;

(E) Provision of a report explaining the results of the investigation; and

(F) Any additional requirements as determined by the Mayor.

(37) "Risk assessor" means an individual who has been trained by an accredited training program and certified to conduct risk assessments.

(38) "Underlying condition" means the source of water intrusion or other problem that is causing paint to deteriorate which may be damaging the substrate of a painted surface.

Sec. 3. Prohibitions.

(a) All dwelling units, common areas of multifamily properties, and child-occupied facilities constructed prior to March 1, 1978, shall be maintained free of lead-based paint hazards.

(b) No person shall apply a lead-based paint or glaze to any surface, including the interior and exterior surfaces, of any residential, public, or commercial building, bridge, or other structure or superstructure, or on any paved surface.

(c) Notwithstanding any other provision of law, the District government may deny any license, registration, or permit relating to the use or occupancy of a child-occupied facility or dwelling unit to an owner of that property if the owner is in violation of this act.

Sec. 4. Risk reduction of lead-based paint hazards.

(a) Whenever a child under age 6 with an elevated blood lead level resides in, or regularly visits a dwelling unit or child-occupied facility in the District, or upon reasonable belief that any other property located in the District may have contributed to a child's lead exposure, the Mayor shall conduct a risk assessment of the appropriate properties, and the owner, occupant or owner's agent shall cooperate with and shall not impede the Mayor's conduct of such assessment.

(b) Upon reasonable belief, which may be based upon a request by a tenant or may be based on other information, that there is risk of a lead-based paint hazard in a dwelling unit, accessible common area, or child-occupied facility constructed before March 1, 1978, the Mayor shall, in his or her discretion, take action, which may include a risk assessment, clearance examination, or visual examination of the dwelling unit, accessible common area, or child-occupied facility, and provide a report to the owner and the tenant.

(c) Whenever action taken by the Mayor pursuant to subsection (a) or (b) of this section identifies lead-based paint hazards, the Mayor shall determine the actions necessary to eliminate the lead-based paint hazards at the property, including abatement or interim controls, and order the property owner to perform those measures required to eliminate the lead-based paint hazards and underlying conditions, and any other action considered necessary by the Mayor to protect the health and safety of the occupants of the property.

(d)(1) Upon receipt of an order from the Mayor described in subsection (c) of this section, the owner of the property shall:

(A) Perform the measures required by the Mayor to eliminate any lead-based paint hazards and underlying conditions;

(B) Obtain a permit from the Mayor, if the elimination of lead-based paint hazards and underlying conditions employs abatement;

(C) Ensure that any individual working to eliminate identified or presumed lead hazards:

(i) Abides by the work practice standards of section 12; and

(ii) Is trained in lead-safe work practices.

(D) Make temporary comparable alternative arrangements for the relocation of any person at risk who is a tenant residing at the property, as determined by the Mayor, in accordance with paragraph (2) of this subsection; and

(E) Reimburse the Mayor for the costs associated with conducting the risk assessment.

(2)(A) The owner shall pay all reasonable temporary relocation expenses that may be required until the dwelling unit has passed a clearance examination, unless a risk assessment report issued by the Mayor states that temporary tenant relocation is not necessary.

(B) The Mayor shall provide a tenant with a copy of any order by the Mayor regarding temporary relocation within 5 days of issue. Before any relocation of a tenant, the owner shall provide the tenant with at least 14 days of written notice, unless a shorter time period is ordered by the Mayor or agreed to by the owner and the tenant. The owner shall make all reasonable efforts to provide to the tenant as early as possible before the commencement of the proposed relocation the contact information and address of the temporary unit and a statement that the tenant has the a right to return to the unit at the conclusion of work to eliminate any lead-based paint hazards and underlying conditions, and under the same terms.

(C) The owner shall make all reasonable efforts to minimize the duration of any temporary relocation, and shall determine whether there are any appropriate temporary relocation units within the same housing accommodation.

(D) The owner shall make all reasonable efforts to ensure that the household is relocated to a dwelling unit that is in the same school district or ward, near public transportation, as appropriate.

(E) The tenant has a right to return to the unit under the same terms at the conclusion of the work to eliminate lead-based paint hazards.

(F) In lieu of relocation to a dwelling unit identified by the owner, the tenant may agree to make alternative arrangements for temporary relocation.

(3) The owner shall comply with requirements of this subsection within 30 days of receipt of a written order from the Mayor, unless otherwise directed on the notice. The 30-day time period may be extended by the Mayor, in increments of a maximum of 30 days, in response to a timely written request for extension from the owner or tenant, in such manner as required by the Mayor by rule; provided, that the Mayor shall extend the 30-day time period only if the owner has provided a good-faith basis for the request.

(4) Upon completion of the work ordered by the Mayor in subsection (c) of this section, the owner shall submit to the Mayor and any tenant a clearance report that has been completed by a risk assessor. If the elimination of lead-based paint hazards and underlying conditions employs interim controls, the Mayor may require that the owner submit to the Mayor a clearance report periodically, as determined by the Mayor, following the date of the initial clearance report.

(e) Nothing in this section shall be construed to interfere with tenants' rights under other District law. If the owner intends to substantially rehabilitate, demolish, or discontinue

any housing accommodation to comply with the requirements of this act, the procedures set forth in sections 501 and 701 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3505.01 and 42-3507.01), shall apply.

(f) Whenever presumed lead-based paint is identified in an uncontained and non-intact condition, the Mayor shall be authorized to issue a Notice of Violation. A Notice of Violation shall include an order to repair non-intact presumed lead-based paint and its underlying cause using lead-safe work practices, and shall require production of a clearance report. Presumed lead-based paint may be rebutted by production of a lead-based paint inspection report from an inspector or risk assessor, affirming that such paint is not lead-based.

Sec. 5. Disclosure and risk reduction requirements at turnover.

(a)(1) Beginning January 1, 2010, and in accordance with the time frames established under subsection (c) of this section, owners of residential properties constructed before March 1, 1978, shall disclose to tenants information reasonably known to the owner about the presence of any of the following conditions in the unit or property:

(A) Lead-based paint;

(B) Lead-based paint hazards; and

(C) Pending actions ordered by the Mayor pursuant to this act.

(2) The requirements of this subsection shall be disclosed before any change in occupancy or contract for possession is executed.

(3) Within 180 days after the effective date of this act, the Mayor shall provide the lead disclosure form to be used as the basis for the lead disclosure statement required by subsections (a) and (b) of this section.

(b) In accordance with the time frames established under subsection (c) of this section, before a lessee is obligated under any contract to lease a residential property constructed before March 1, 1978, that will be occupied by a person at risk, the lessee shall be provided by the owner of the property a completed lead disclosure form and a clearance report issued within the previous 12 months. The requirements of this subsection do not apply to an owner who provides:

(A) A report from a risk assessor or inspector certifying that the unit is a lead-free unit; or

(B) Three clearance reports issued at least 12 months apart and within the previous 7 years; provided, that the owner of the property is or was not subject to any housing code violations that occurred during the past 5 years, or that are outstanding.

(c)(1) The requirements of subsections (a) and (b) of this section shall be implemented in 3 phases, as described in paragraph (2), (3), and (4) of this subsection.

(2)(A) Within 180 days of the effective date of this act, the requirements of subsections (a) and (b) of this section shall apply to rental dwelling units to be inhabited by persons at risk.

(B) In a rental dwelling unit with a tenancy commencing, or with a lease agreement or lease renewal signed, after the effective date of this act, an owner shall provide, upon request, a clearance report to a tenant in whose household a person at risk resides, or regularly visits.

(C) The owner shall provide notice to tenants of their rights under this act on a form provided by the Mayor.

(3)(A) Twelve months after the effective date of regulations implementing this act, the Mayor shall submit a report on the status of the implementation of the first phase of this section, as described in paragraph (2) of this subsection, and the prospect of an expansion into the second phase. The report shall include:

(i) A statement on the capacity, to date, in both the private and public sector to carry out the provisions of this section in all units in buildings built before 1950; and

(ii) An analysis of other factors which may impact expanding compliance to all units in buildings built before 1950, such as existing federal requirements, cost, and liability.

(B) Based on the findings of the report submitted by the Mayor as required by subparagraph (A) of this paragraph , the Mayor may submit a legislative proposal for Council consideration on expanding compliance to all units in buildings built before 1950. The Council must approve, by act, the Mayor's proposal to enact this second phase, and the approval must occur prior to the implementation of the third phase under paragraph (4) of this subsection.

(4)(A) Twelve months after the effective date of the act approving the second phase pursuant to paragraph (3) of this subsection, the Mayor shall submit a report on the status of the implementation of the second phase. The report shall include:

(i) A statement on the capacity, to date, in both the private and public sector to carry out the provisions of this section in all units in buildings built before 1978; and

(ii) An analysis of other factors which may impact expanding compliance to all units in buildings built before 1978, such as existing federal requirements, cost, and liability.

(B) The Mayor may submit a legislative proposal for Council consideration on expanding compliance to all units in buildings built before 1978. The Council must approve, by act, the Mayor's proposal to enact this third phase.

Sec. 6. Right of entry, inspections, analyses, corrective actions, and notices.

(a) Upon the presentation of appropriate credentials to the owner, agent in charge, or tenant, the Mayor shall have the right, subject to 14 DCMR § 707.18, to enter any property or inspect any activity reasonably believed to be subject to this act. Upon reasonable belief of imminent threat to the health and safety of the occupants of the property, the Mayor shall have

the right of entry and inspection without notice. The right of entry and inspection shall be for the following purposes:

(1) To conduct a risk assessment or inspection;

(2) To collect dust, paint chips, soil or other environmental samples and submit them to a laboratory for analysis;

(3) To inspect or copy any reports from certified personnel that the owner is required to retain under this act;

(4) To inspect any interior or exterior surfaces;

(5) To otherwise verify compliance with this act or rules implementing the act; or

(6) For any reason related to ensuring the safety of occupants after detection of an elevated blood lead level in the occupants of, or persons who regularly visit, the property.

(b) If the Mayor has reason to believe that either there has been a violation of this act or of the rules issued pursuant to this act, the Mayor may:

(1) Issue a cease and desist order, which shall take effect upon issuance;

(2) Impose fines and penalties in accordance with sections 16 and 17; and

(3) Request the Attorney General for the District of Columbia to commence appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief.

(c) If the Mayor is denied access to conduct a risk assessment in accordance with this act, the Mayor may apply to the Superior Court of the District of Columbia for a search warrant. An owner's denial of access to conduct an inspection in accordance with this section shall constitute a violation of this section, and the owner shall be subject to the civil and administrative penalties imposed by section 16 and the criminal penalties imposed by section 17.

(d) Any notice required by this act, or as the Mayor may prescribe by regulation, may be served upon an owner of the dwelling or agent of the owner in the same manner as a summons in a civil action, or by registered or certified mail to his or her last known address or place of residence.

(e) If any owner, individual, or business entity fails to follow any order by the Mayor, the Mayor may take the action ordered, the cost of which shall be borne by the owner, individual, or business entity and shall be a judgment against the owner, individual, or business entity, and a continuing and perpetual lien in favor of the District upon all property owned by the owner, individual, or business entity, whether real or personal. The lien shall not be valid against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other creditor interest in the property, until notice of the lien is filed with the Recorder of Deeds. The lien shall be satisfied by payment of the amount of the lien to the District Treasurer.

Sec. 7. Tenant provision of access to dwelling unit.

(a) Subject to 14 DCMR § 707.18, a tenant shall allow access to his or her dwelling

unit, at reasonable times, to the owner or his or her employee or representative to facilitate any work or inspection required under this act following the provision of written notice by the owner at least 48 hours prior to the work or inspection.

(b) Notice required by subsection (a) of this section shall include:

(1) A description of the general nature and locations of the planned work or inspection by the owner or his employee or representative;

(2) Related requirements for containment, occupant protection, and relocation;

(3) The expected starting and ending dates of the planned work; and

(4) Any other information prescribed by the Mayor.

(c) If the owner demonstrates to the satisfaction of the Mayor that the tenant refuses to allow access after the owner provides notice of no less than 7 days, the owner shall be exempt from meeting any requirements of this act that are dependent upon such access as long as that tenant occupies that dwelling unit or until the tenant provides written notice of the tenant's willingness to allow access or otherwise allows access. Nothing in this subsection shall prohibit the Mayor from ordering the owner to fulfill the tenant's reasonable conditions for access or take other action to ensure that the ordered work can be completed.

(d) Notwithstanding subsections (a) through (c) of this subsection, if entrance is for the purpose of performing work, the tenant may deny access to any person not properly certified pursuant to section 11 to perform that work.

Sec. 8. Prohibition against retaliation.

(a) A tenant may provide information to the Mayor concerning deteriorated paint or lead-based paint hazards within a property or elevated blood levels of a person at risk.

(b) The provision of information in subsection (a) of this section shall be considered tenant rights.

Sec. 9. Property owner's concurrent obligations.

The provisions of this act do not reduce, replace, or eliminate:

(1) The duties and obligations of a property owner to monitor, repair, or maintain the property as required under any applicable District law or regulation; or

(2) The authority of the Mayor to enforce applicable housing codes or to issue orders in accordance with any applicable District law or regulation.

Sec. 10. Lead Poisoning Prevention Fund.

(a) There is established as a nonlapsing fund the Lead Poisoning Prevention Fund ("Fund"), which shall be used by the Mayor for the sole purpose of ensuring compliance with and enforcement of this act, and to provide low-income residents of the District with assistance to comply with the requirements of section 4, provided they qualify for such assistance in accordance with rules issued by the Mayor.

(b)(1) All fees, fines, or penalties derived from compliance with and enforcement of the

requirements of this act, and all interest earned on those monies, shall be deposited into the Fund without regard to fiscal year limitations pursuant to any act of Congress.

(2) All monies deposited into the fund shall not revert to the General Fund of the District of Columbia at the end of a fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this section, subject to authorization by Congress.

Sec. 11. Certification requirements for individuals and business entities conducting lead-based paint activities.

(a) An individual or business entity shall obtain the appropriate certification from the Mayor by demonstrating compliance with subsections (b) or (c) of this section, as applicable, prior to conducting a lead-based paint activity, clearance examination, or renovation in a dwelling unit or child-occupied facility, built before March 1,1978.

(b) An individual risk assessor, inspector, dust sampling technician, renovator, and supervisor shall submit proof to the Mayor that the individual has passed an examination required by the Mayor, or EPA-approved state program, for that discipline, and:

(1) A current appropriate certification from EPA or an EPA-approved state program; or

(2) Proof of the successful completion of an accredited training course and any required accredited review course.

(c) A business entity shall demonstrate to the satisfaction of the Mayor that all its employees and subcontractors conducting a lead-based paint activity, clearance examination, or renovation are:

(1) Certified pursuant to subsection (b) of this section;

(2) Comply with work practice rules established by the Mayor pursuant to this act; and

(3) Comply with all applicable federal and District laws, regulations, and rules governing the disposal of all waste containing lead.

(d) The Mayor may establish additional criteria and procedures for certification by rule.

(e) Certifications for lead-based paint activities shall expire 24 months from the date of issuance, or when otherwise determined by the Mayor. To maintain certifications for dust sampling technicians, individuals shall complete a refresher course within 5 years from the date of initial issuance of the certification.

(f) Individuals and business entities seeking certification and certification renewal in the District shall pay a reasonable fee set by the Mayor. The Mayor, by rulemaking, may revise the certification and certification renewal fees as necessary to cover the administrative costs associated with the issuance of certificates and inspection of lead-based paint activities.

(g) Except with regard to persons conducting lead-based paint activities pursuant to section 4, who must always comply with the provisions of this section, exceptions to this section are limited to the following:

(1) Individuals who perform lead-based paint activities or renovations in a residence which they own; provided, that the residence is occupied solely by the owner or the owner's immediate family, and there is no person at risk residing therein;

(2) Performance of maintenance, repair, or renovation work involving lead-based paint that results in disturbances of lead-based paint in a total of 2 square feet or less of surface area per room, except for window removal or replacement, are *de minimis* activities that do not trigger certification requirements;

(3) Individuals who perform maintenance, repair, painting, and renovation work that does not disturb painted surfaces; and

(4) Individuals who perform risk assessment and lead-based paint inspections for litigation or other forensic purpose, in compliance with all work practice rules established by the Mayor pursuant to this act, by an individual who possesses the appropriate certification by EPA or an EPA-approved state program.

Sec. 12. Work practice standards.

(a) Any owner, individual, or business entity conducting any lead-based paint activity, or demolition, renovation, remodeling, painting, carpentry, plumbing, or other activity, that may generate lead-based paint chips, dust, or other lead-based paint debris, in or on the exterior of a dwelling unit or child-occupied facility, built prior to March 1, 1978, shall use lead-safe work practices.

(b) In addition, any owner, individual, or business entity shall:

(1) Comply with the following work practice standards, as applicable:

(A) Work practice standards in 40 C.F.R. § 745.226 and 40 C.F.R. § 745.227, or any successor regulation of EPA;

(B) U.S. Department of Labor, Occupational Safety and Health Administration standards relating to lead, including those standards found at 29 C.F.R. § 1926.62 and 29 C.F.R. § 1910.1025, and any successor regulations;

(C) HUD Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Activities contained in 24 C.F.R. § 35.1330, and any successor regulations; and

(D) Any other standards required by the Mayor by rule;

(2) Conform with the prohibition of unsafe practices listed at 24 C.F.R. § 35.140;

(3) Prevent paint dust, chips, debris, or residue from being dispersed onto adjacent property or increasing the risk of public exposure to lead-based paint; and

(4) Adhere to other requirements established by the Mayor, or promulgated by EPA at 40 C.F.R. § 745.85.

(c) Subsection (a) of this section does not apply to the following:

(1) Individuals who perform lead-based paint activities in residences that they own; provided, that the residence is occupied by the owner or the owner's immediate family, and there is no person at risk residing therein; and

(2) Performance of maintenance, repair, or renovation work involving lead-based paint that results in disturbances of lead-based paint in a total of 2 square feet or less of surface area per room, except for window removal or replacement.

(d) No person shall cause paint dust, chips, debris, or residue to be dispersed onto adjacent property or increase the risk of public exposure to lead-based paint.

(e) Within 180 days from the effective date of this act, the Mayor shall issue rules establishing comprehensive safe work practice standards and training requirements in conformance with this section.

(f)(1) A clearance examination following either elimination of a lead-based paint hazard ordered by the Mayor, or after such work performed in response to a child with an elevated blood lead level, shall not be conducted by a risk assessor or lead inspector who is related to the owner or any tenant by blood or marriage, or is an employee or an entity in which the individual or business entity has a financial interest, or by a dust sampling technician.

(2) In all other situations where a clearance examination is required under this act, the clearance examination may be performed by a lead inspector, dust sampling technician, or risk assessor, whether or not employed by the owner.

(g) Within 90 days of the effective date of this act, the Mayor shall establish certification requirements for the profession of dust sampling technician. The requirements shall include the successful completion of the appropriate course accredited by EPA under 40 C.F.R.
§ 745.225.

(h) All renovation work shall conform to such additional requirements as may be issued by the Mayor by rule.

Sec. 13. Accreditation of training providers.

(a) An individual or business entity may not provide training on performing lead-based paint activities under this act unless accredited by the Mayor in accordance with this section.

(b)(1) To receive accreditation, a training provider shall:

(A) Submit an application to the Mayor that shall include the following information:

(i) Qualifications of all training managers and instructors;

(ii) Copies of all instructor and student course materials for each course offered, including materials covering requirements specific to District of Columbia statutes or regulations;

(iii) A description of the facilities and equipment available for lecture and hands-on training; and

(iv) Any other information determined by the Mayor to be necessary for approval of an application for accreditation; and

(B) Pay a reasonable application fee.

(2) The Mayor may exempt any District government agency or nonprofit

organization for payment of the application fee and may revise the application fee as necessary to cover the administrative costs through rulemaking.

(c) Where appropriate, the Mayor shall accredit an educational services provider that already has been accredited by another state, EPA, or HUD, on a reciprocity basis, without a complete application; provided, that the educational services provider:

(1) Submits a copy of those portion of its course materials covering requirements specific to District statutes or regulations; and

(2) Pays the fee provided for in subsection (b)(1)(B) of this section.

(d) Accreditation by the Mayor shall expire 3 years from the date of issuance.

Sec. 14. Record keeping and disclosure requirements.

(a) Owners, business entities, and individuals subject to this act shall maintain copies of any records or reports required by this act, for 6 years, or as the Mayor may otherwise establish by rule, and shall make those documents available for inspection by the Mayor upon request.

(b) If the Mayor is denied access to any records, reports, documents, or other data requested in connection with ensuring compliance with this act, the Mayor may issue a subpoena to obtain all necessary documents.

Sec. 15. Denial, suspension, or revocation.

The Mayor, after notice and opportunity for hearing, may suspend, revoke, modify, or refuse to issue, renew, or restore a certificate or accreditation issued under this act if the Mayor finds that the applicant or holder:

(1) Has failed to comply with any provision of this act or rule issued pursuant to this act;

(2) Has misrepresented facts relating to a lead-based paint activity to a client or customer;

(3) Has made a false statement or misrepresentation material to the issuance, modification, or renewal of a certificate, permit, or accreditation;

(4) Has submitted a false or fraudulent record, invoice, or report;

(5) As a training provider, or as an instructor, has provided inaccurate information or inadequate training;

(6) Fails to meet any qualifications required by this act;

(7) Does not possess proof of required accreditation, as prescribed by the Mayor;

(8) Has had a history of repeated violations; or

(9) Has had a certificate, permit, or accreditation denied, revoked, or suspended in another state or jurisdiction.

Sec. 16. Serving of notice; civil penalties.

(a) Any notice required by this act may be served upon an owner of the dwelling or

agent of the owner in the same manner as a summons in a civil action or by registered or certified mail to his or her last known address or place of residence.

(b) Any violation of this act or implementing rule is punishable by a civil penalty not to exceed $25,000 for each day of each offense. Each day a violation continues shall be deemed a separate offense.

(c) Civil infraction fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act or the rules issued under this act pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.*)("Civil Infractions Act"). Adjudication of any infractions shall be pursuant to the Civil Infractions Act.

(d) In determining the severity of a civil penalty under subsection (a) of this section, the Superior Court of the District of Columbia shall take into account the nature, circumstances, extent, gravity, actual or potential harm to the environment, and actual or potential harm to human health, of the violation or violations and, with respect to the violator, ability to pay, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

(e) The Attorney General for the District of Columbia may commence appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief to enforce compliance with the provisions of this act.

(f) As specified by the Mayor in rulemaking, a person adversely affected by an action taken pursuant to the provisions of this act, or the rules or regulations promulgated pursuant to this act, is entitled to a hearing before the Mayor upon filing with the Mayor, within 15 calendar days of such action, a written request for a hearing. The hearing shall be held in accordance with section 10 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Official Code § 2-509).

Sec. 17. Criminal penalties.

(a) Notwithstanding any other provision of this act, any person who knowingly or willingly violates the provisions of this act, or its implementing rules, shall be subject, upon conviction, to a fine of not more than $ 25,000 for each day of each violation, imprisonment for not more than one year, or both.

(b) Falsification of information required by this act shall be a violation of this act.

(c) In determining the severity of a criminal penalty, the Superior Court of the District of Columbia shall take into account the nature, circumstances, extent, gravity, actual or potential harm to the environment, and actual or potential harm to human health of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

(d) All prosecutions under this section shall be in the Superior Court of the District of

Columbia in the name of the District of Columbia and shall be instituted by the Attorney General for the District of Columbia.

Sec. 18. No private right of action against the District.

Nothing in this act is intended to, or does, create a private right of action against the government of the District of Columbia and its officers, employees, agents, representatives, contractors, successors, and assigns based upon compliance or noncompliance with its provisions. No person or entity may assert any claim or right as a beneficiary or protected class under this act in any civil, criminal, or administrative action against the District of Columbia.

Sec. 19. Rulemaking.

(a) Except as otherwise provided, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

(b) Notwithstanding the requirements of section 302(c) of the District of Columbia Administrative Procedures Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code § 2-552), where the Mayor chooses to adopt a federal regulation as the District's standard under this act, the Mayor may do so by incorporating the federal regulation by reference in the Notice of Intent to take rulemaking action. When incorporating the federal regulation by reference, the notice shall include a specific indication of how and where a paper or electronic copy of such document may be inspected or obtained. Any amendments to the incorporated federal rules shall be deemed to be included in the District's rules; provided, that after the initial adoption of the federal regulation, the Mayor shall annually issue a Notice of Intent to re-adopt the federal standard, in whole or in part, or announce an intent to adopt a different standard.

Sec. 20. Common law unaffected.

The remedies under this act do not supplant rights and remedies that may be available against property owners and other liable parties under the common law.

Sec. 21. Repealer.

(a) The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is repealed except for section 8 (D.C. Official Code § 8-115.07).

Repeal §§ 8-115.01 - 8-115.06, §§ 8-115.07a - 8-115.14

(b) Section 8 shall be deemed repealed upon issuance of rules by the Mayor under this act regarding abatement permit requirements.

Sec. 22. Fiscal impact statement.

The Council adopts the December 15, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of

ENROLLED ORIGINAL

Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3))

Sec. 23. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Vincent C Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 29, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-723

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 2, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001 to authorize the Mayor to designate emergency medical technicians and paramedics that are not firefighters as All Hazards/Emergency Medical Services Specialists, and to require that they receive pay parity, retirement benefits, and all hazards training; and to amend section 12 of the Police and Firemen's Retirement and Disability Act to include All Hazards/Emergency Medical Services Specialists in the definition of member and to specify the retirement benefits available to transitioned employees of the Fire and Emergency Medical Services Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Paramedic and Emergency Medical Technician Transition Amendment Act of 2008".

Amend § 5-409.01

Sec. 2. Section 202 of the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 5-409.01), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) The lead-in text is amended by striking the word "technicians" and inserting the phrase "technicians, or All Hazards/Emergency Medical Services ("EMS") Specialists," in its place.

(2) Paragraph (2) is amended to read as follows:

"(2) Transferred employees may elect to participate in the District of Columbia Police Officers' and Fire Fighters' Retirement Program established pursuant to the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*)("Program").".

(b) A new subsection (a-1) is added to read as follows:

"(a-1)(1) As of the effective date of the Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-768)("Transition Act"), the Mayor is authorized to provide for the designation

of Fire and Emergency Medical Services Department personnel holding valid certificates as paramedics or emergency medical technicians to be All Hazards/EMS Specialists.

"(2) The Mayor shall develop pay parity, that reflects training and responsibility, between All Hazards/EMS Specialists and uniformed fire fighters; provided, that the rate of pay earned by each employee shall not be lower than the rate of pay immediately prior to the effective date of this act.

"(3) Employees transferred pursuant to this subsection may elect to participate in the Program.

"(4)(A) All Hazards/EMS Specialists who are participants in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), may elect to participate in the Program.

"(B) All Hazards/EMS Specialists who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code and who are not eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act may make an irrevocable, one-time election to participate in the Program .".

"(5)(A) If an All Hazards/EMS Specialist is a participant in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), and elects to participate in the Program, all of the employee's interest in contributions and earnings under the defined contribution plan shall be transferred from the defined contribution plan to the District of Columbia Police Officers and Fire Fighters' Retirement Fund in accordance with section 12(c)(9)(B)(ii) or (iii) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704(i)(2)(B) or (C)). Upon such transfer of funds, the All Hazard(s)/EMS Specialist shall cease to be a participant in or have an account under the defined contribution plan.

"(B) An All Hazards/EMS Specialist who is a participant in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code, who is not eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act, and who elects to participate in the Program may elect to receive credit for prior service covered by the defined benefit plan in accordance with section 12(c)(9)(B)(iv) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704(i)(2)(D)).

"(6) The Mayor shall provide for basic training for all hazards and allow All Hazards/EMS Specialists to meet adjusted fitness standards that fairly and reasonably accommodate their incumbent status, including their age and level of experience.

"(7) The Mayor shall provide MSS Paramedic Supervisory Personnel ("Supervisory") designated as All Hazards/EMS Specialists with appropriate promotional opportunities and shall avoid pay compression between Supervisory and non-Supervisory All Hazards/EMS Specialists.".

Sec. 3. Section 12 of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718: D.C. Official Code § 5-701 *et seq.*), is amended as follows:

(a) Subsection (a)(1) (D.C. Official Code § 5-701(1)) is amended as follows: Amend § 5-701

(1) Designate the existing text as subparagraph (A).

(2) A new subparagraph (B) is added to read as follows:

"(B) As of the effective date of the Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-768), the term "member" shall include any All Hazards/Emergency Medical Services Specialist within the District of Columbia Fire and Emergency Medical Services Department.".

(b) Subsection (c)(9) (D.C. Official Code § 5-704(9)) is amended to read as follows: Amend § 5-704

"(9)(A) Any member who is an officer or member of the District of Columbia Fire and Emergency Medical Services Department who was transferred pursuant to the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 5-409.01), and who elects to, shall be covered by the Police Officers and Fire Fighters' Retirement Program established under the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*)("Program"), and shall receive credit for prior years of service within the District of Columbia Fire and Emergency Medical Services Department. Members who elect coverage under this subsection shall receive credit for prior service, make deposits to and receive benefits under the Program as provided in subparagraph (B) of this section.

"(B)(i) Any member who is an officer or member of the District of Columbia Fire and Emergency Medical Services Department who was transitioned to an All Hazards/Emergency Medical Services Specialists pursuant to the Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-768)("Transition Act"), and who is a participant in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall be covered by the Program commencing on the date of transition. All such members shall receive credit for prior years of service within the District of Columbia Fire and Emergency Medical Services Department for the purpose of determining vesting and retirement eligibility under the Program, but not for the purpose of calculating the

amount of benefits to be received under the Program, except as provided in sub-subparagraphs (ii) and (iii) of this subparagraph. Any such transitioned member who is a participant in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code who is not eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act and who elects to participate in the Program shall be covered by the Program commencing on the date of election and shall receive credit for prior years of service as provided in sub-subparagraph (iv) of this subparagraph. Transitioned members who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code and who are eligible to retire under the Civil Service Retirement System on or within 31 days of the effective date of the Transition Act or who elect not to participate in the Program and to remain in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code, shall not be covered by the Program and shall receive no credit under the Program for any service.

"(ii)(I) Members described in sub-subparagraph (i) of this subparagraph who are participants in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall, unless they make the election described in sub-subparagraph (iii) of this subparagraph, have their entire interest in contributions and earnings under the defined contribution plan transferred to the District of Columbia Police Officers and Fire Fighters' Retirement Fund. These members shall cease to participate in the defined contribution plan and receive instead an amount of benefits under the Program that is equal to the actuarial equivalent of the dollar amount of contributions and earnings transferred, calculated on the actuarial assumptions and methods used to calculate the present value of future benefits from section 133(a)(3)(B) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03)(a)(3)(B)), for the applicable fiscal year. In no event shall the total of payments of benefits to a member described in this paragraph be less than the dollar amount of the contributions and earnings transferred.

"(II) If, upon the death of the member there is no survivor eligible to received an annuity, the dollar amount of the contributions and earnings transferred exceeds the benefits that have been paid to the member, the excess shall be paid to the member's designated beneficiaries, or, if no beneficiary is designated, in accordance with the order of preference in the subsection (n)(4) of this section, or estate. Upon separation from District of Columbia employment for reasons other than retirement, any member who elected to purchase a benefit under this paragraph may receive a refund of the dollar amount of contributions and earnings transferred to make the purchase, without interest. Any member who receives a refund of the transferred amount and is later reinstated shall not be entitled to prior service credit until the amount of the refund, plus interest, is again deposited.

"(iii)(I) Members described in sub-subparagraph (i) of this subparagraph who are participants in the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall, as an alternative to the partial transfer credit described in sub-subparagraph (ii) of this subparagraph, be given a one-time irrevocable election, which must be made by the date of retirement, to purchase benefit accrual service for all of the time they were employed by the District of Columbia Fire and Emergency Medical Services Department. The member making the election shall deposit or cause to be deposited to the credit of the District of Columbia Police Officers and Fire Fighters' Retirement Fund an amount that is equal to the present value of future benefits that results from crediting the prior service. This deposit may be made by transfer of the member's entire interest in contributions and earnings under the defined contribution plan under section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)). If the present value of future benefits exceeds the amount transferred from the defined contribution plan, the excess amount shall be deposited by direct transfer from another retirement plan in accordance with subsection (d) of this section, if permissible under such other retirement plan, or by contributions of after-tax monies by the member that may be made in equal monthly installments prior to retirement. The District of Columbia Police Officers and Fire Fighters' Retirement Fund shall separately account for any deposits of after-tax monies. The present value of future benefits shall be calculated on the actuarial assumptions and methods used to calculate the present value of future benefits from section 133(a)(3)(B) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03)(a)(3)(B)), for the applicable fiscal year.

"(II) In no event shall the total of payments of benefits to the member making an election under this paragraph be less than the dollar amount of the contributions and earnings transferred from the defined contribution plan. If, upon the death of the member, there is no survivor eligible to receive an annuity, the dollar amount of the contributions and earnings transferred from the defined contribution plan exceeds the benefits that have been paid to the member, the excess shall be paid to the member's designated beneficiaries, or, if no beneficiary is designated, in accordance with the order of preference in subsection (n)(4) of this section, or estate. Upon separation from District of Columbia employment for reasons other than retirement, any member who elected to purchase service under this paragraph may receive a refund of the dollar amount used to make such purchase, without interest. Any member who receives a refund of the purchased amount and is later reinstated shall not be entitled to prior service credit until the amount of the refund, plus interest based on earnings of the trust since the deposit was made, is again deposited.

"(iv) Members described in sub-subparagraph (i) of this

subparagraph who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code on the date of transition, and who are not eligible to retire under the Civil Service Retirement System on or within 31 days after the effective date of the Transition Act, shall be given a one-time irrevocable election, which must be made by the date of retirement, to receive credit for service covered by the defined benefit plan as provided in paragraph (5) of this subsection as applied to members of the Fire Department.

"(C) For the purposes of this paragraph, the term "prior service" means any prior service in the District of Columbia Fire and Emergency Medical Services Department, regardless of whether there is a break in service.".

Sec. 4. Applicability.

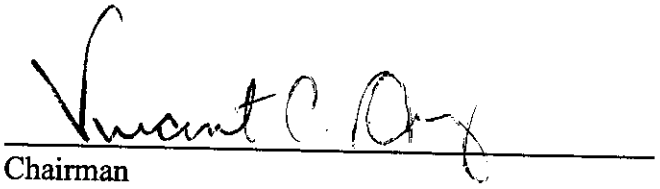
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
APPROVED
January 30, 3009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 38 of Title 47 of the District of Columbia Official Code to provide for real property tax rebates for supermarkets that would qualify for the existing real property tax exemption but for the inability of the landlord to pass the tax abatement onto the supermarket.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Supermarket Tax Relief Clarification Congressional Review Emergency Act of 2009".

Sec. 2. Chapter 38 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-3805. Supermarket real property tax rebate.".

(b) A new section 47-3805 is added to read as follows:

"§ 47-3805. Supermarket real property tax rebate.

"(a) For the purposes of this section, the term "qualified supermarket" means a qualified supermarket, as defined in § 47-3801, for which all of the requirements for the real property tax exemption provided by § 47-1002(23), other than § 47-1002(23)(B)(iii), are satisfied.

"(b) Beginning October 1, 2007, if a qualified supermarket leases real property (or a portion thereof) that is subject to tax under chapter 8 of Title 47, the qualified supermarket shall receive a rebate of the tax that represents the qualified supermarket's pro rata share of the tax levied for the tax year on the real property (or portion thereof) that the qualified supermarket leases if:

"(1) The qualified supermarket is liable under the lease for its pro rata share of the tax;

"(2) An application for the rebate of the tax is made on or before December 31st of the succeeding tax year; and

"(3) The lessor paid the tax.

ENROLLED ORIGINAL

"(c) The rebate shall be the amount of the pro rata share of the tax paid by the qualified supermarket as required by the lease.

"(d) The application shall include:

"(1) A copy of the lease; and

"(2) Documentation that the tax has been paid, as required by the Mayor.

"(e) If a proper application has been made, the Mayor shall rebate the tax to the qualified supermarket on or before March 1st of the succeeding tax year.

"(f) Any rebates authorized under this section shall be paid from the General Fund of the District of Columbia.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Vincent C. Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Continuing Compliance Congressional Review Emergency Amendment Act of 2009".

Note, § 4-1305.06

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

(a) Subsection (b) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Except as provided in subsection (d) of this section, an" and inserting the word "An" in its place.

(2) Paragraph (5) is amended by striking the phrase "homicide, assault or

battery" and inserting the phrase "or homicide, but not including other physical assault or battery" in its place.

(b) Subsection (c) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

(c) Subsection (d) is amended to read as follows:

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children.".

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows: **Note, § 16-308**

"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent.

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).

"(c) Nothing in this section shall be construed to waive the requirements of §§

ENROLLED ORIGINAL

4-1305.01 through 4-1305.09, including the requirement of a fingerprint-based criminal records check.".

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer for the Adoption and Safe Families Continuing Compliance Temporary Amendment Act of 2008, signed by the Mayor on December 8, 2008 (D.C. Act 17-584; 56 DCR ___), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Public Postsecondary Education Reorganization Act to allow a member of the University of the District of Columbia Board of Trustees to serve beyond the expiration of his or her term until a successor has been appointed and confirmed.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Board of Trustees Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 201(f) of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01(f)), is amended by adding a new sentence at the end to read as follows:

Note, § 38-1202.01

"Notwithstanding section 2(c) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(c)), a member shall continue to serve until a successor is appointed and confirmed.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Vincent C Orange

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, due to Congressional review, the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until April 30, 2013, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Appointment of the Chief Medical Examiner Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 2903(c)(3) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)(3)), is amended to read as follows:

Note, § 5-1402

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor for the CME appointed to fill the term beginning on May 1, 2007 and ending on April 30, 2013.".

Sec. 3. Applicability.

This act shall apply as of December 31, 2008.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
Approved
January 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, the Independent Personnel Systems Implementation Act of 1980 to prohibit the Metropolitan Police Department or its agents from issuing subpoenas in pursuance of criminal investigations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Subpoena Limitation Emergency Amendment Act of 2009".

Sec. 2. Section 3 of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980 (D.C. Law 3-109; D.C. Official Code § 1-301.21(a)), is amended by adding a new subsection (a-1) to read as follows:

Note, § 1-301.21

"(a-1) Notwithstanding subsection (a) of this section, the Metropolitan Police Department or its agents shall not issue subpoenas in pursuance of criminal investigations.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Vincent C. Orange

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To amend, on an emergency basis, section 47-1805.04 of the District of Columbia Official Code to permit the release of District of Columbia tax return information to the United States District Court for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disclosure to the United States District Court Emergency Amendment Act of 2009".

Sec. 2. Section 47-1805.04 of the District of Columbia Official Code is amended by adding a new subsection (k) to read as follows:

Note, § 47-1805.04

"(k) *Disclosure to the United States District Court for the District of Columbia.* - Notwithstanding any other provision of this section, the Office of Tax Revenue may furnish, in accordance with 28 U.S.C. § 1863(d), to the United States District Court for the District of Columbia ("Court"), upon request of the Court, the names, addresses, and social security numbers of individuals who have filed a return under section 47-1805.02(a).".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 29, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Speedy Trial Equity Congressional Review Emergency Act of 2009".

Sec. 2. Section 16-2310 of Title 16 of the District of Columbia Official Code is amended as follows:

Note, § 16-2310

(a) Subsection (e) is amended as follows:

(1) The lead-in text is amended by striking the phrase "placed in secure detention" and inserting the phrase "ordered into secure detention or ordered into shelter care" in its place.

(2) Paragraph (1) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (2) of this subsection, whenever a child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 30 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(B) Except as provided in paragraph (2) of this subsection, whenever a child is charged with murder, assault with intent to kill, first degree sexual abuse, burglary in the first degree, or robbery while armed, and the child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(C) Except as provided in paragraph (2) of this subsection, whenever a child has been ordered into shelter care before a factfinding hearing pursuant to §§ 16-2310

through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be placed in shelter care pursuant to § 16-2312.".

(3) Paragraph (2) is amended to read as follows:

"(2)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, upon motion of the Attorney General, for good cause shown, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued, and the child continued in secure detention or shelter care, for only one additional period, not to exceed 30 days.

"(B) Upon motion of the Attorney General, for good cause shown, the factfinding hearing may be continued, and the child continued in secure detention or shelter care, for additional periods not to exceed 30 days each, if:

"(i) The child is charged with murder, assault with intent to kill, or first degree sexual abuse;

"(ii) The child is charged with a crime of violence, as defined in § 23-1331(4), committed while using a pistol, firearm, or imitation firearm; or

"(iii) Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence processed by federal agencies has not been completed.

"(C)(i) Upon a motion by or on behalf of the child consistent with the rules of the Superior Court of the District of Columbia, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued for additional periods not to exceed 30 days each.

"(ii) A motion made under sub-subparagraph (i) of this subparagraph shall not be construed as a waiver of the child's speedy trial rights under this section nor under the Sixth Amendment of the United States Constitution.

"(D) Additional continuances of the factfinding hearing may be granted to the Office of Attorney General if the child is no longer in either secure detention or shelter care.".

(4) Paragraph (4) is amended by striking the phrase "in secure detention shall be released from custody" and inserting the phrase "in secure detention or shelter care shall be released from custody or shelter care" in its place.

(b) A new subsection (f) is added to read as follows:

"(f) No provision of this section shall be interpreted as a bar to any claim of denial of speedy trial as required by the Sixth Amendment of the United States Constitution.".

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 29, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Winter Supp.

West Group Publisher

To require, on an emergency basis, the Board of Library Trustees and District of Columbia Public Library to maintain library services at R.L. Christian Library and Langston Library until a permanent alternative library site is determined, with Council approval, for each site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Library Kiosk Services Emergency Act of 2009".

Sec. 2. Library closing plan.

(a) The Board of Library Trustees and the District of Columbia Public Library shall submit a library closing plan ("plan") to the Council, for a 45-day period of review, prior to the closing of current library services at R.L. Christian Library, located at 1300 H Street, N.E., in Ward 6, and Langston Library, located at 2600 Benning Road, N.E., in Ward 5.

(b) The 45-day period of review shall exclude Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the plan by resolution, after a public hearing, within the 45-day review period, the proposed plan shall be deemed approved.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1- 204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 29, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2009

Codification District of Columbia Official Code

2001 Edition

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To authorize, on an emergency basis, the Mayor to regulate vending in the District of Columbia, to require vendors to vend only from designated locations, to authorize development areas within which alternative forms of regulation of vending may be tested, to authorize the Mayor to charge fees for licenses and other authorizations to vend from public space, to authorize the imposition of civil fines for the violation of this act or rules promulgated pursuant to this act, and to authorize the regulation of public markets; and to amend An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, the Fiscal Year 1997 Budget Support Act of 1996, Title 47 of the District of Columbia Official Code, and An Act Relating to the adulteration of feed and drugs in the District of Columbia, to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vending Regulation Emergency Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Vending location" means the specific locations on sidewalks, roadways, and other public space from which a person may vend.

(2) "Vending site permit" means a permit or other authorization to vend from a vending location.

Sec. 3. Vending from public space.

(a) Except as set forth in subsection (b) of this section, a person shall not vend from a sidewalk, roadway, or other public space in the District of Columbia unless the person holds:

(1) A basic business license properly endorsed for sidewalk or roadway vending;

(2) A vending site permit; and

(3) Such other licenses, permits, and authorizations as the Mayor may require

by rule.

(b) The Mayor may authorize the following persons to vend from public space without a basic business license or vending site permit:

(1) An employee or youth assistant of a licensed vendor;

(2) A person vending at a licensed special event; and

(3) A person vending from a public market holding a valid permit issued by the Mayor.

Sec. 4. Vending locations and assignment.

(a) The Mayor shall designate vending locations; provided, that no vending locations shall be established in Ward 2 of the District of Columbia other than those previously authorized under the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 631), who are vending in a location that is in compliance with Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, except as may be established through a vending development zone authorized under section 5; provided further, that no more than 350 vending locations shall be permitted in any single Ward of the District of Columbia.

(b) A person shall not vend from a location other than a vending location unless the person is vending at a special event or public market holding a valid license or permit issued by the Mayor.

(c) A person shall not vend from a vending location without first obtaining a vending site permit from the Mayor.

(d)(1) Except as provided in paragraph (2) of this subsection, vending locations shall be assigned by lottery, unless:

(A) The Mayor establishes an alternate means of assignment by rule; or

(B) The vending location is located in a vending development zone, in which case the vending location may be assigned by lottery or such other means as may be established for the vending development zone pursuant to section 5.

(2) Vendors who received vending site permits for a vending location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 631), who are vending in a location that is in compliance with Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, shall have first right of preference for the issuance of a vending site permit for the same vending location.

Sec. 5. Vending development zones.

The Mayor may establish vending development zones, upon application and after public hearing, in which the Mayor may waive the regulatory provisions, such as the design standards,

the standards for designation of vending locations, and the procedure for assigning vending locations, otherwise applicable to vendors; provided, that the Mayor shall establish, by rule, a procedure for reviewing applications for the establishment of a vending development zone.

Sec. 6. Public markets.

The Mayor may require the permitting of public markets on public space and may require the licensing of managers of public markets on public space and private space.

Sec. 7. Fees and funding.

(a) The Mayor may establish fees, by rule, for the application for, and issuance of, each license, permit, and authorization required under this act or the rules promulgated pursuant to this act. The Mayor may differentiate the fees based on the class of license, vending location, and other relevant factors.

(b)(1) There is established as a nonlapsing fund within the General Fund of the District of Columbia the Vending Regulation Fund ("Fund"), which shall be used solely for the purposes set forth in this section.

(2) Deposits into the Fund shall include:

(A) Fees paid for the application for, and issuance or renewal of, a vending permit;

(B) Fees paid for the application for, and issuance or renewal of, the permit or other authorization issued by the Mayor setting forth the specific location on public space from which a person may vend;

(C) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Fund;

(D) Any other funds designated by law or rule to be deposited into the Fund; and

(E) Interest on funds deposited in the Fund.

(3) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (4) of this subsection, subject to authorization by Congress.

(4) Funds in the Fund may be used to pay the costs of administering this act, including costs associated with the issuance of licenses and permits described in paragraph (2)(A) and (B) of this subsection and the administration and enforcement of any rules promulgated under this act.

Sec. 8. Penalties.

The Mayor may establish civil penalties for the violation of this act and rules promulgated pursuant to this act, including the establishment of civil penalties pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective

October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

Sec. 9. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement this act, including rules regulating the design and maintenance of vendor carts, stands, vehicles, and other equipment and rules requiring that persons vending from public space maintain insurance in such form and amount as may be required by the Mayor. The proposed rules shall be submitted to the Council for a 60-day period of review, excluding weekends, holidays, and days of Council recess; provided, that rules regarding fees shall be submitted separately. If the Council does not approve or disapprove the proposed rules, by resolution, within the 60-day review period, the proposed rules shall be deemed disapproved.

Sec. 10. Conforming amendments.

(a) The third paragraph of section 1 of An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887 (24 Stat. 368; D.C. Official Code § 1-303.01(3)), is repealed. Note, § 1-303.01

(b) Section 602(2) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.02(2)), is amended by striking the phrase "pursuant to paragraph 36 of section 7 of An Act making appropriations for the fiscal year ending June thirtieth, nineteen hundred and three and for other purposes, approved July 1, 1902 (32 Stat. 627; D.C. Code § 47-2834)" and inserting the phrase "issued on or after March 19, 2008" in its place. Note, § 10-1141.02

(c) Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-2002.01 is amended as follows: Note, § 47-2002.01

(A) Subsection (a) is amended to read as follows:

"(a) For the purposes of this section, the term "street vendor" means a person licensed to vend from a sidewalk, roadway, or other public space on or after March 19, 2008.".

(B) Subsection (b) is amended as follows:

(i) Paragraph (2) is amended by striking the phrase "Class A license, Class B license, Class C nonfood license, Class C food license, or any combination of these licenses" and inserting the phrase "license authorizing the vending of merchandise, food, or services from public space or from door to door, including a temporary license," in its place.

(ii) Paragraph (4) is repealed.

(2) Sections 47-2020(d) and 47-2834 are repealed. Note, § 47-2020 Note, Repeal § 47-2834

(3) The table of contents for Chapter 28 is amended by striking the phrase "47-2834. Sales on streets or public places." and inserting the phrase "47-2834. Repealed." in its place.

(d) Section 2(5)(A)(iii) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48- Note, § 48-102

ENROLLED ORIGINAL

102(5)(A)(iii)), is amended by striking the phrase "unless the vending locations are authorized by the Council pursuant to An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887 (24 Stat. 368; D.C. Official Code § 1-303.01)" and inserting the phrase "unless the vending locations are licensed by the Mayor on or after March 19, 2008" in its place.

Sec. 11. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 12. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
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APPROVED
January 29, 2009